

United States Bankruptcy Court
Western District of Michigan
One Division Ave., N.
Room 200
Grand Rapids, MI 49503

IN RE: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Steven D. Kahler
4823 E. Serena Dr.
Tampa, FL 33617
SSN: xxx-xx-1288

Debtor(s)

Case Number 05-22138-jrh

Chapter 7

Honorable Jeffrey R. Hughes

NOTICE OF HEARING
TRUSTEE'S MOTION TO SELL DEBTOR'S 1980 FIBERFORM BERMUDA 24-FOOT
CRUISER BOAT WITH EZ TRAILER

The above motion has been filed with the Bankruptcy Court. Your rights may be affected. **You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)**

If you want the court to consider your views on this matter, attend the hearing scheduled to be held before the Hon. Jeffrey R. Hughes on October 5 , 2006 at 1:30 pm at One Division Ave, N.W., 3rd Floor, Courtroom C, Grand Rapids, MI 49503

You or your attorney may wish to file a response explaining your position. Such response should be received at least three business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion to his/her attorney. **Please refer to Administrative Order 2004-06 (Mandatory Electronic Filing), effective January 1, 2005, for practices and procedures for filing pleadings with the Court.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

PLEASE NOTE: NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

This Notice has been returned to Larry A. Ver Merris . It is Larry A. Ver Merris (s/'s) responsibility to ensure that service of this Notice and the referenced Motion is made upon the appropriate parties not less than twenty (20) days prior to the date of hearing. (sc)



DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Dated: September 1, 2006

/S/ _____
Kim Davis
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In the Matter of:

Steven D. Kahler,

Debtor.

Case No. HG 05-22138

(Chapter 7)

Case Filed: December 30, 2005

**TRUSTEE'S MOTION TO SELL DEBTOR'S 1980 FIBERFORM BERMUDA 24-FOOT
CRUISER BOAT WITH EZ TRAILER**

NOW COMES JAMES W. HOERNER, Chapter 7 Trustee herein, by and through his attorneys, Day & Sawdey, P.C., pursuant to the provisions of Bankruptcy Code §363 and Fed.R.Bankr.P. 6004, and shows unto this Court as follows:

1. Your Movant is the duly-appointed, qualified and acting Chapter 7 Trustee in the above-entitled case, which was commenced by the Debtor through the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on December 30, 2005.
2. Included among the assets in this estate is a 1980 Fiberform Bermuda 24-foot (Hull No. FBF06037M80C) cruiser boat with EZ Trailer, including a Mercruiser inboard/outboard engine and depth-finder (collectively, the "Boat").
3. The Debtor scheduled the Boat as having a value of \$1,000.00.
4. The Trustee has received an offer for purchase of the Boat for the sum of \$500.00 from Tom's Mobile Marine of 907 Park Street, Pentwater, Michigan 49449.
5. The Boat is held free and clear of any liens or claims, to the best of the Trustee's knowledge, information and belief. Therefore, any liens against such Boat would be in bona fide dispute and a sale of the same is permissible pursuant to 11 U.S.C. §363(f)(4). Also, the Debtor has not claimed the same as exempt.

6. The Boat shall be offered for sale in one lot, with bidding commencing at the amount of the bid of Tom's Mobile Marine, i.e., \$500.00. Thereafter, bidding will be in increments of no less than \$100.00, with the initial bid to be at least \$700.00.

7. The sale of the Boat is to be made on a cash basis, with the successful bidder being required to tender to the Trustee the amount of the purchase price immediately after the sale has been approved by the Bankruptcy Court. Contingent bids will not be received.

8. The Trustee shall have the right to refuse to recommend confirmation of any bid which does not, in his judgment, assure a reasonable monetary return to the estate. Prospective purchasers may make arrangements for examination and inspection of the Boat by contacting the Trustee, James W. Hoerner, at One Timber Trail, S.E., Ada, Michigan 49301; telephone: (616) 676-0365.

9. The sale of the Boat shall be made on an "AS-IS, WHERE-IS" basis, without representation or warranty, express or implied, of any kind, nature or description including, without limitation, any warranty by description or of merchantability, usability, habitability, or of fitness for any particular purpose. The seller shall not be required to inspect or test or report on the condition of the Boat or of any possible defects in the same. The Trustee further makes no representations as to whether the Boat is sea-worthy, meets U.S. Coast Guard regulations in effect at the time of its manufacture, whether it is presently in running condition, or any other matters of any nature, whatsoever.

10. The Boat shall be sold free and clear of any liens or claims thereon with the interest of any party asserting a lien or claim thereon attaching to the sale proceeds in the same order of rank, validity and priority as they presently may exist against the Boat or its title. All expenses of custody, protection and insurance of the Boat, as well as the expenses of sale, including administrative and all legal expenses of the bankruptcy proceeding relating to the protection and sale of the Boat shall be charged against the sale proceeds with priority over all claims.

11. The successful bidder shall have seven (7) days to remove the Boat from its present location, whereafter any additional storage costs shall be the responsibility of the buyer.

12. Your Movant believes that the sale of the Boat to Tom's Mobile Marine, as aforesaid, or to such other party who may submit a higher offer thereon, is in the best interest of the creditors in this estate and should be approved.

YOUR MOVANT PRAYS that the creditors herein be ordered to show cause, on a time and date certain, why said Boat should not be sold, as aforesaid, to Tom's Mobile Marine, or to such other party who may make a higher bid thereon; why the Trustee should not be authorized to sign a bill of sale, the watercraft title, and any other documents ancillary to a closing on the sale of the same to the purchaser; and why he should not have such other and further relief as this Court might deem just, equitable and proper.

Dated: August 29, 2006

DAY & SAWDEY, P.C.
Attorneys for Trustee

By _____/s/_____

Larry A. Ver Merris (P-29093)

Business Address:

825 Parchment Drive, S.E., Suite 100

Grand Rapids, MI 49546-2365

Telephone: (616) 975-9951